

MINUTES

VILLAGE COUNCIL MEETING  
KEY BISCAYNE, FLORIDA

MONDAY, NOVEMBER 10, 2003

COUNCIL CHAMBER  
560 CRANDON BOULEVARD

1. **CALL TO ORDER/ROLL CALL OF MEMBERS:** The meeting was called to order by the Mayor at 8:17 p.m. Present were Councilmembers Martha F. Broucek, Carol Diaz-Castro, James L. Peters, Robert L. Vernon, Vice Mayor Jorge Mendia and Mayor Robert Oldakowski. Councilmember Mortimer Fried was absent. Also present were Village Manager Jacqueline R. Menendez, Village Clerk Conchita H. Alvarez and Village Attorney Stephen P. Helfman.
2. **SPECIAL PRESENTATIONS:** There were no special presentations.
3. **PUBLIC COMMENTS:** The following resident addressed the Council: Annika Akerlund-Tarajano, 200 Cypress Drive.
4. **AGENDA:** Mayor Oldakowski requested to hear Item 6B before Item 6A and the addition of a discussion regarding the GU Zoning Process for the property at 560 Crandon Boulevard as Item 8A3; the Clerk requested the addition of a brief discussion regarding the starting time of the Regular Council Meeting scheduled for December 2, 2003 as Item 8C2 and the Manager requested the deferral of Item 7A to the December 2, 2003 Council Meeting. There was no objection to the agenda changes.  
The Attorney reminded Councilmembers to submit comments regarding guidelines for the public access channel.

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5. **APPROVAL OF MINUTES:** Councilmember Diaz-Castro made a motion to approve the minutes of the October 28, 2003 Zoning Meeting. The motion was seconded by Vice Mayor Mendia and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

6. **ORDINANCES:** The Clerk read the following ordinance on first reading, by title:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAINE, FLORIDA, PROVIDING FOR PROPOSED AMENDMENT OF THE VILLAGE CHARTER BY AMENDING ARTICLE IV "LEGISLATIVE," SECTION 4.10 "BORROWING," TO EXEMPT CRANDON BOULEVARD REDESIGN AND IMPROVEMENT PROJECT FROM THE SPECIFIC DEBT LIMIT RESTRICTIONS WHICH ARE SET FORTH WITHIN SECTION 4.10; CALLING AN ELECTION ON THE PROPOSED AMENDMENT TO THE VILLAGE CHARTER TO BE HELD ON TUESDAY, MARCH 9, 2004; PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF THE CHARTER AMENDMENT SET FORTH HEREIN; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR PROCEDURE FOR BALLOTING; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Oldakowski addressed the Council requesting withdrawal of this item from the agenda. It was the consensus of Council to withdraw the item.

The Clerk read the following ordinance on first reading, by title:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAINE, FLORIDA, PROVIDING FOR AMENDMENT OF THE VILLAGE CHARTER BY AMENDING SECTION 2.03 "ELECTION AND TERM OF OFFICE" AND SECTION 5.01 "ELECTIONS"; BY PROVIDING FOR COUNCIL MEMBERS, OTHER THAN THE MAYOR, TO BE ELECTED FOR TERMS OF FOUR (4) YEARS INSTEAD OF TWO (2) YEAR TERMS; AND BY PROVIDING FOR ELIMINATION OF RUN-OFF ELECTIONS FOR MAYOR AND COUNCIL MEMBER POSITIONS, AND PROVIDING FOR CANDIDATES TO BE ELECTED TO MAYORAL AND COUNCIL MEMBER POSITIONS BY PLURALITY VOTE RATHER THAN BY A MAJORITY VOTE REQUIREMENT; PROVIDING FOR ADOPTION OF SECTION 8.09 "TRANSITION PROVISIONS TO FACILITATE CHANGE TO FOUR-YEAR TERM"; TO PROVIDE FOR STAGGERED TERMS OF COUNCIL MEMBERS; CALLING AN ELECTION ON THE PROPOSED AMENDMENTS TO THE VILLAGE CHARTER TO BE HELD ON TUESDAY, MARCH 9, 2004; PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL THE CHARTER AMENDMENTS SET FORTH HEREIN; PROVIDING FOR REQUISITE**

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**BALLOT LANGUAGE; PROVIDING FOR PROCEDURE FOR BALLOTING; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Vernon made a motion to adopt the ordinance on first reading. The motion was seconded by Vice Mayor Mendia.

Attorney Wolpin and the Clerk addressed the Council regarding this ordinance.

The Mayor opened the public hearing. Michael Kahn, 881 Ocean Drive and Jim Taintor, 355 Harbor Drive addressed the Council. The Mayor closed the public hearing.

There was extensive discussion from Council regarding this ordinance.

The ordinance was adopted on first reading by a 5-1 roll call vote. The vote was as follows: Councilmembers Broucek, Vernon, Peters, Vice Mayor Mendia and Mayor Oldakowski voting Yes. Councilmembers Diaz-Castro voting No.

The Clerk announced the second reading on December 2, 2003.

The Clerk read the following ordinance on first reading, by title:

**AN ORDINANCE OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA, PROVIDING FOR A MORATORIUM ON DEVELOPMENT PERMITS FOR ALL LANDS ZONED FOR COMMERCIAL OR OFFICE USES ALONG THE CRANDON BOULEVARD CORRIDOR AS DEPICTED ON ATTACHED EXHIBIT A; PROVIDING FOR A VESTED RIGHTS PROCEDURE RELATED TO THE MORATORIUM; PROVIDING FOR EXCEPTIONS; PROVIDING FOR EXCLUSION FROM THE CODE OF KEY BISCAIYNE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

It was the consensus of Council to defer this item to a Special Council Meeting on Monday, November 24, 2003 at 6:00 p.m.

7. **RESOLUTIONS:** The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAIYNE, FLORIDA; APPROVING THE SELECTION CRITERIA FOR ARTWORK THAT WILL BE PURCHASED BY OR LOANED TO THE VILLAGE; APPROVING POTENTIAL SITES FOR ARTWORK THAT WILL BE PURCHASED AS PART OF THE COMMUNITY CENTER; APPROVING THE "CALL TO ARTISTS" FOR ARTWORK FOR THE COMMUNITY CENTER; PROVIDING FOR AN EFFECTIVE DATE.**

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Vice Mayor Mendia made a motion to approve the resolution. The motion was seconded by Councilmember Broucek.

Ed Meyer, 100 Sunrise Drive and Cesar Trasobares, Consultant, addressed the Council.

Director Kurlancheek addressed the Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

The Clerk read the following resolution by title:

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA; EXTENDING THE SUNSET PROVISION OF THE CRANDON BOULEVARD STREETSCAPE MASTER PLAN COMMITTEE FROM NOVEMBER 2003 TO FEBRUARY 2004; PROVIDING FOR AN EFFECTIVE DATE.**

Councilmember Vernon made a motion to approve the resolution. The motion was seconded by Diaz-Castro.

The Manager addressed the Council regarding this resolution.

The resolution was approved by a 6-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

8. **REPORTS AND RECOMMENDATIONS:** The following items were discussed:

Mayor and Councilmembers. Mayor Oldakowski addressed the council regarding the rules and regulations for Committees.

Director Kurlancheek addressed the Council regarding the rules and regulations for Committees.

The Council recommended that the following options be included in the resolution that will be presented at a future Council Meeting adopting rules and regulations for Committees: 1. Merge each of the documents as Rules; 2. Creation of Committees by resolution; 3. Automatic removal if absent from 3 meetings in twelve months subject to the re-appointment by Council; 4. All vacancies on Standing and Special Committees filled by the Mayor with consent of Council; 5. No prohibition on serving on multiple committees; 6. Standing Committees must provide the Council with an Annual Progress Report at the first meeting in December. Special Committees must provide the Council with a report at the conclusion of their work or at the first Council meeting in December, whichever is earlier; 7. Any resident who lives in the Village for any duration of time.

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Mayor Oldakowski addressed the Council requesting consensus to direct the Attorney to draft an ordinance requiring a pooper scooper law for the Village of Key Biscayne. There was no objection to the request.

Mayor Oldakowski also addressed the Council regarding the GU zoning process for the property at 530 Crandon Boulevard. It was the consensus of Council to direct the Manager to start this process.

Village Attorney. The Attorney did not submit a report.

Village Clerk. Pursuant to Section 2.02(b) of the Village Charter, an election was held for the Vice Mayor's seat.

Councilmember Broucek nominated Vice Mayor Mendia. The nomination was seconded by Councilmember Vernon.

Councilmember Diaz-Castro nominated Councilmember Peters. The nomination was seconded by Councilmember Vernon.

Councilmember Broucek made a motion to close the nominations. The motion was seconded by Councilmember Peters and approved by a 6-0 voice vote. The vote was as follows: Councilmembers Broucek, Diaz-Castro, Peters, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

A vote was taken on the nomination of Vice Mayor Mendia as Vice Mayor. The vote was as follows: Councilmembers Broucek, Vernon, Vice Mayor Mendia and Mayor Oldakowski voting Yes.

Vice Mayor Mendia was elected Vice Mayor by a 4-0 vote as mentioned above.

The Clerk addressed the Council regarding the starting time for the December 2, 2003 Regular Council Meeting. It was the consensus of Council to change the starting time of that meeting to 6:00 p.m.

Village Manager. The Manager did not submit a report.

9. **OTHER BUSINESS/GENERAL DISCUSSION:** The Council addressed the status of the signs for the Mashta Bridge. It was recommended by Council that the signs should be as small as possible and in multiple languages.

Deputy Chief of Police Cathy McElhaney addressed the Council regarding this issue.

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10. **SCHEDULE OF FUTURE MEETINGS/EVENTS:** A schedule of future meetings and events was presented to the Council.
11. **ADJOURNMENT:** The meeting was adjourned at 10:05 p.m.

*Respectfully submitted:*

*Conchita H. Alvarez, CMC*  
*Village Clerk*

*Approved this \_\_ day of \_\_\_\_\_, 2003:*

*Robert Oldakowski*  
*Mayor*

***IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE VILLAGE COUNCIL WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.***